

**GOVERNMENT OF THE DISTRICT OF COLUMBIA**  
**BOARD OF ZONING ADJUSTMENT**



Application No. 16206 of Edward M. and Loretta M. Downey on behalf of the Embassy of the Kyrgyz Republic, pursuant to Section 206 of the Foreign Missions Act, to expand an existing chancery by exceeding the floor area ratio requirements for other permitted uses (11 DCMR 771.2) to the third or fourth floors of a structure in a C-2-A District at premises 1732 Wisconsin Avenue, N.W. (Square 1298, Lot 334).

**HEARING DATE:** February 19, 1997

**DECISION DATE:** February 19, 1997 (Bench Decision)

**ORDER**

**INTRODUCTION:**

This application was filed by Edward M. and Loretta M. Downey on behalf of the Embassy of the Kyrgyz Republic pursuant to Section 206 of the Foreign Missions Act (Title 11, Public Law 97-241, 92 Stat. 286, August 24, 1982) to expand a chancery at 1732 Wisconsin Avenue, N.W. (Square 1298, Lot 334) in a C-2-A District. Chapter 10 was adopted by the Zoning Commission to implement Section 206 of the Foreign Missions Act. The public hearing was conducted as a rulemaking proceeding under Chapter 33 of the Supplemental Rules of Practice and Procedure before the Foreign Missions Board of Zoning Adjustment.

**APPLICATION:**

The subject site is located on the west side of Wisconsin Avenue, N.W., just south of S Street in the Georgetown Historic District. The red brick and masonry building is four stories in height, with a cellar level below grade. The building was originally constructed as a single-user retail/office/residential building and was occupied by a publishing company. The first floor and cellar were devoted to retail mail-order sales, with the second floor devoted to offices of the publishing company (with storage in the cellar). The upper two floors were designed and approved as a single residential unit for staff, sales representatives and clients who on occasion needed overnight facilities.

The building is approximately thirty feet wide. Approximately one-third of each floor, along the entire south

(left-hand) side of the building, is devoted to stairways, elevator, hallway, mechanical, electrical, and lavatory facilities. The third floor is set back approximately fifteen feet from the building face in the front, and the fourth floor is set back an additional four feet. In the rear, the fourth floor is set back approximately eight feet from the building face of the lower floors.

The single-user nature of the building is evident from its physical layout. There are common entrances in both the front and back of the building for access to all floors. There is one elevator, and two enclosed fire stairs, all of which provide access to all floors. There is also a large open stairwell between the third and fourth floors.

At present, the chancery occupies the cellar, first and second floors, pursuant to Certificate of Occupancy No. B175844. The third and fourth floors are vacant. The third floor has two rooms in the front suitable for offices. The rear half of the third floor is improved with a large ceramic-tiled, fully-equipped kitchen. The fourth floor has one room in the front of the building, one room in the back, and a sitting area in the middle, adjacent to the open stairway.

The Embassy of the Kyrgyz Republic requests permission to devote an area equivalent to the available floor space of the third floor for additional chancery space, to address both its short-term and long-term needs. This would be accomplished by either converting the available third floor space (approximately 1,000 square feet) to chancery office space (with a relocation of the kitchen to the cellar), or devoting the front half of the third floor and a portion of the fourth floor to chancery office space, leaving the kitchen in place on the third floor. The Embassy only intends to occupy the front half of the third floor for chancery space in the foreseeable future. However, approval of this request will allow the chancery to plan for its long-term future needs.

Because the availability of residential space for visiting scholars and dignitaries is important to the chancery, the chancery intends to maintain the remainder of the space as residential space.

A chancery is permitted in the C-2-A zone as a matter-of-right pursuant to 11 DCMR Sections 721.1 and 701.6(e). In addition, Section 206(b) of the Foreign Missions Act provides that a chancery is permitted as a matter-of-right in any commercial zone. Board review is required in this case because the application proposes to exceed the floor area ratio limit.

FOREIGN MISSIONS ACT CRITERIA:

In considering the subject application, the Board must apply the specific criteria set forth in Section 206(d) of the Foreign Missions Act, and Section 1001 of the Zoning Regulations as follows:

1. Section 1001.2. The international obligation of the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital.
2. Section 1001.3 and 1001.4. Historic preservation, as determined by the Board in carrying out this Section; and in order to ensure compatibility with historic landmarks and historic districts, substantial compliance with District and federal regulations governing historic preservation shall be required with respect to new construction and to demolition of or alteration to historic landmarks.
3. Section 1001.5. The adequacy of off-street or other parking, and the extent to which the area will be served by public transportation to reduce parking requirements, subject to any special security requirements that may be determined by the Secretary of State, after consultation with federal agencies authorized to perform protective services.
4. Section 1001.6. The extent to which the area is capable of being adequately protected, as determined by the Secretary of State after consultation with federal agencies authorized to perform protective services.
5. Section 1001.7. The municipal interest, as determined by the Mayor.
6. Section 1001.8. The federal interest, as determined by the Secretary of State.

EVALUATION:

With respect to the above-referenced six criteria set forth in the Zoning Regulations, the Board states the following:

1. The international obligation of the United States: By letter dated February 5, 1997, the Deputy Director of the Office of Foreign Missions of the Department of State, the delegated representative of the Secretary of State, determined that the international obligation of

the United States to facilitate the provision of adequate and secure facilities for foreign missions in the Nation's Capital will be met by the approval of this application.

2. **Historic preservation:** The subject site is located in the Georgetown Historic District, but is not a historic landmark. This application does not propose any new construction, demolition, or exterior alteration to the building.
3. **Parking and transportation:** When the building was constructed, there was a requirement for one parking space for the residential unit, and no parking spaces for the retail/office portion of the building. When the chancery occupied the commercial portion of the building in 1996, the parking credits from the prior uses were applied to the parking requirement for chancery use, resulting in no additional parking requirement under the Zoning Regulations.

The addition of approximately 1,000 square feet of chancery space on the third floor of the building will result in a requirement of two parking spaces. The requirement of one space for the residential portion of the building will remain, resulting in a net requirement of three parking spaces under the Zoning Regulations. Three vehicles can be accommodated in the open area at the rear of the building. This area is irregular in shape, measuring 30 feet wide by 25 feet in depth along the south property line and approximately 20 feet in depth along the north property line. Thus, the parking requirements under the Zoning Regulations can be met on site.

There are currently six diplomats and two staff members at the chancery, with the possible addition of two more staff members in the near future. There are four vehicles with diplomatic license plates associated with the chancery use. Except for the Ambassador, there is generally one vehicle for each two diplomats. Staff members are not assigned diplomatic vehicles. There are no plans for additional diplomats to be posted at the chancery for the foreseeable future. The purpose of the requested expansion is to accommodate the current demand for two additional offices for the existing eight diplomats and staff (plus the two additional staff members to be added in the near future).

Three vehicles can be parked in the area at the rear of the building. Additionally, the Embassy leases a parking space at the Jellef Branch of the Greater Washington Boys' and Girls' Club, located across Wisconsin Avenue on S Street, N.W. Given that the residential portion of the building will be used by visitors from the Kyrgyz Republic who will not drive automobiles, there will be no parking of vehicles associated with the use of the residential portion of the building.

As is the practice with many other foreign missions, the diplomats and staff of the chancery live in close proximity to each other, in the McLean Gardens area north of the subject site on Wisconsin Avenue. The diplomats and staff typically carpool to and from the chancery.

Approval of this small additional floor area will not affect the chancery's current mode of operation. The chancery is currently used for diplomatic and consular purposes. Most all business is transacted by telephone, telecopy, mail, express mail, electronic mail, messenger and diplomatic pouch. The hours of operation are Monday through Friday, 9 a.m. to 6 p.m. There are on average seven to eight visitors to the chancery per day for visa, consular and other purposes. Most visitors take taxicabs and other public transportation to and from the chancery. To the extent that visitors may drive to the chancery, there is a supply of metered and restricted parking available for short-term use.

The subject site is well-served by public transportation. There are seven Metrobus lines which operate in both directions along Wisconsin Avenue. Further, taxis are typically also available on a regular basis in the area, given the number of restaurants, shops, offices and other commercial uses.

The applicant submitted a traffic analysis prepared by its expert traffic consultant. That traffic analysis concluded that there is adequate parking and public transportation in the area to serve the needs of the Embassy. He also concluded that the proposed expansion of the Embassy would not create adverse impacts on the traffic and parking in the area.

The Office of Planning (OP) submitted a report dated February 11, 1997 recommending approval of the

application. With regard to parking, OP stated that the Zoning Regulations would require three parking spaces in conjunction with the existing chancery and proposed expansion, and that three parking spaces can be located on site at the rear of the building. OP also noted that a fourth vehicle will be parked in a leased parking space nearby. Further, OP noted that this site is well-served by public transportation on Wisconsin Avenue, and that taxis are also available on a regular basis in the area because of the large number of commercial establishments.

4. **Protection:** The Office of Foreign Missions, in its letter of February 5, 1997, determined that pursuant to Section 4306(d)(4) of the Foreign Missions Act, the site and area are capable of being adequately protected.
5. **Municipal Interest:** The Director of OP for the District of Columbia, the delegated representative of the Mayor, by memorandum dated February 11, 1997, determined that the applicant has met the burden of proof under Section 206 of the Foreign Missions Act relative to the expansion of the existing chancery in a C-2-A zone district. OP is of the opinion that the expansion of the chancery, as proposed, would enable the Embassy to retain its chancery functions in one location in the city. Such expansion would also put the entire property to a viable use that would be compatible with other surrounding uses. OP recommended approval of the application.

One neighbor on 34<sup>th</sup> Street, who lives immediately to the rear (west) of the subject site appeared and testified in support of the application. He testified that his main concern is access to his driveway from the alley. He has reached agreement with the Embassy that there will be no more than three vehicles parked at the rear of the building on a regular basis. He testified that he has spoken with all of the owner-occupants living on the east side of 34<sup>th</sup> Street in the block behind the subject site, and that he encountered no opposition to the application. He testified that there would be no detrimental effects to the neighborhood from the proposal.

Two other neighbors filed letters in support of the application. One neighbor to the rear of the subject site, on the east side of 34<sup>th</sup> Street, wrote a letter in opposition to the application, but did not appear in

opposition at the public hearing. The neighbor in support testified that this particular neighbor, while he owns the property, has not lived in the property since prior to 1985. He also testified that many other neighbors have concerns with that neighbor's upkeep of his property.

Two neighbors living on the west side of 34<sup>th</sup> Street wrote a letter in opposition to the application. Their opposition is based on the number of commercial trucks on 34<sup>th</sup> Street which service the businesses along Wisconsin Avenue, and the business employees along Wisconsin Avenue who park on 34<sup>th</sup> and R Streets. With regard to that issue, the neighbor who testified in support of the application stated his opinion that the only commercial vehicles associated with the slight increase in chancery space in the subject building would be those same vehicles which already come to the site for other purposes.

6. **Federal Interest:** By letter dated February 5, 1997 from the Deputy Director, and by testimony of the authorized representative of the Office of Foreign Missions, the Office has determined that the expansion of the chancery for the Kyrgyz Republic at 1732 Wisconsin Avenue, N.W. is consistent with the federal interest. The United States government will soon begin construction of a new chancery on property it acquired in Bishkek. The completion of that project will be significantly aided by a favorable decision by the Foreign Missions Board in this case. Therefore, the State Department supports the application as consistent with the federal interest.

**ADVISORY NEIGHBORHOOD COMMISSION:**

The subject site is located within the boundaries of Advisory Neighborhood Commission (ANC) 2E. The Board received a letter dated February 14, 1997 signed by Rebecca Sinderbrand, the Single Member District Commissioner for the subject site. The letter indicated that all eight ANC Commissioners voted unanimously to approve a resolution expressing no objection to the proposed expansion, provided that the proposal is approved by the Board, and that the Embassy adhere to the agreement which it has reached with its neighbor.


On the basis of the record before it, the Board has determined that this application satisfies the criteria set forth in Section 206 of the Foreign Missions Act and Chapter 10 of the Zoning Regulations. Accordingly, it is **ORDERED** that this

application is **APPROVED, SUBJECT** to the **CONDITION** that the chancery shall maintain three on-site parking spaces at the rear of the building, and shall not impede vehicle ingress and egress to neighboring property.

VOTE: 4-0 (Reginald Griffith, John G. Parsons, Sheila Cross Reid and Laura M. Richards **NOT TO DISAPPROVE**; Angel Clarens not present, not voting).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

Attested by:

  
MADELIENE H. DOBBINS  
Director

FINAL DATE OF ORDER: \_\_\_\_\_

MAR 21 1997

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF TWO YEARS, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



BZA APPLICATION NO. 16206

As Director of the Board of Zoning Adjustment, I hereby certify and attest to the fact that on MAR 21 1997 a copy of the order entered on that date in this matter was mailed first class postage prepaid to each person who appeared and participated in the public hearing concerning this matter, and who is listed below:

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A handwritten signature in dark ink, appearing to read "Madeliene H. Dobbins", is written over a horizontal line.

MADELIENE H. DOBBINS  
Director

Date: MAR 21 1997